

Introduced by Senator Jackson

February 20, 2013

An act to add Article 17 (commencing with Section 25258.3) to Chapter 6.5 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 395, as introduced, Jackson. Hazardous substances: produced water.

Existing law, part of the hazardous waste control law, requires the Department of Toxic Substances Control to adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern and to establish a process by which chemicals of concern may be evaluated. The department is prohibited from duplicating or adopting conflicting regulations for regulated product categories. A violation of the hazardous waste control law is a crime.

This bill would define produced water and require its regulation as a hazardous substance during the extraction of oil and gas, including hydraulic fracturing operations.

Since a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 17 (commencing with Section 25258.3) is added to Chapter 6.5 of the Health and Safety Code, to read:

Article 17. Hydraulic fracturing produced water

25258.3. For purposes of this article, “produced water” means any water brought up from the hydrocarbon bearing formation strata during the extraction of oil and gas, including hydraulic fracturing operations, and can include formation water, injection water, and any chemicals added downhole or during the oil and water separation process.

25258.4. Produced water shall be regulated as, and shall be deemed to be, a hazardous waste for purposes of this chapter and the regulations adopted pursuant to this chapter.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.